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Petrus T. de Koning

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EXAMINER

ZHENG, JACKY X

ART UNIT

PAPER NUMBER

2625

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,850	Applicant(s) DE KONING, PETRUS T.	
	Examiner JACKY X. ZHENG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 25, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendments and/or remarks filed on November 4, 2008.
2. **Claims 1 and 16** have been amended.
3. **Claim 15** has been cancelled.
4. **Claims 17-24** have been previously withdrawn for consideration.
5. **Claims 1-14 and 16** are rejected.

Additional Remarks: This application contains claims 17-24 drawn to an invention/specie(s) nonelected in the reply filed on September 5, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action - See MPEP § 821.01. Therefore, Applicant is respectfully reminded for cancellation of the previously withdrawn claims for purpose of further consideration.

6. The rejections under 35 U.S.C. § 112, second paragraph, with regard to claim 15 is withdrawn in view of Applicant's cancellation of claim 15.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1-14 and 16** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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9. Claim 1 are *newly* amended (or added) with limitations of “*a lower pane in the main body of the apparatus, wherein the lower pane has optical properties of transmissivity and refraction substantially equivalent to the pane in combination with the lower pane relative to the image receptor when the document handler is positioned against the main body of the apparatus*”, and Applicant indicated the places in the disclosure for the supports, such as: in paragraph [0015] and claim limitations in original claim 15 (which now being cancelled) as stated on Page 4 of Applicant's “Remarks” filed on November 4, 2008. In consideration of the above-indicated places in the disclosure, Examiner has not found any *explicit* disclosure supporting the limitations, such as, of “*optical properties of transmissivity and refraction*” (emphasis added), or “*the lower pane has optical properties of transmissivity and refraction substantially equivalent to the pane in combination with the lower pane relative to the image receptor ...*” Therefore, the independent claim 1 and as well as the corresponding dependent claims 2-14 and 16 (as instant issue in independent claim 1 also affects the corresponding claims which directly or indirectly depend from it) are rejected for the abovementioned reasons, at least until the further clarification from Applicant indicating that such limitations are indeed being explicitly disclosed in the original disclosure at the time of the application filed.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. **Claims 1-14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Suzuki** (Patent No. 6,738,167) and further in view of **Hara** (JP 10023227, published on January 23, 1998, provided and attached with Machine-Translation, hereinafter as “**Hara**”).

With regard to claim 1, the claim is drawn to an apparatus for recording images on sheets, comprising:

an image receptor, disposed in a main body of the apparatus (*see Suzuki, i.e. Figure 1 – 11, “CCD sensor”*);

a document handler, for conveying each of a set of sheets past the image receptor, the document handler being movably mounted relative to the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 28, “Automatic Document Feeder”*);

a light-transmissive pane fixedly mounted relative to the document handler, and operatively disposed between a sheet and the image receptor when the document handler is moving the sheet past the image receptor; whereby, when the document handler is moved away from the main body of the apparatus, the pane moves with the document handler; and (*see Suzuki, i.e. Figures 1 and/or 9, Components: 13- “Reading Window”, 48 – “Roller”, 70– “a Lens”; further in details, in response to Applicant's repeated argument, Examiner respectfully maintains and reiterates in response to Applicant's re-stated argument asserting that “... claim 1 has been further amended above to recite ‘when the document handler is moved away from the main body of the apparatus, the pane moves with the document handlers’, Suzuki make no suggest whatever of this feature” and “there is no disclosure that if unit 31 in Suzuki is lifted up, lens 70 is lifted up with it, as recited in claim 1. Suzuki makes no suggest whatever of this feature”(see 2nd paragraph of Pg. 7 in "Remarks"). Applicant's arguments are fully considered,*

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however found to be not persuasive for at least the following reasons (as also set forth previously). As previously discussed (i.e. paragraph 10, section b of previous Office Action, dated April 27, 2008), "... In addition to the discussions set forth in previous office action, Applicant's attention is further directed to Figure 9 of Suzuki, component 70 - "a lens" for discussion of claim limitation "a light-transmissive pane" (or the pane 50 of Figure 2 as indicated by Application) required by claim 1. Examiner respectfully disagrees with Applicant's remarks of "there is no disclosure that lens 70 is, as in claim 1 'fixedly mounted' to the document feeding unit 31, ... if unit 31 is lifted up, there is no evidence that lens 70 is lifted up with it". See Suzuki, i.e. column 6, lines 35-45, clearly discloses in words "a lens 70 may be placed in a position opposite the conveying roller 48 on the document feeding unit 31 in the above-mentioned embodiment...", which clearly discloses the limitation of the lens 70 being placed on the document feeding unit 31...". Further, with respect to the newly (or previously) added claim limitation of "when the document is moved away from the main body of the apparatus, the pane moves with the document handler", Examiner respectfully submits that as "the lens 70" (corresponding to claimed "the pane") is already disclosed clearly in words to be placed on the document feeding unit 31, it would be an inherent property (or at least obvious for one of ordinary skill in the art) of the lens 70 to be moving with the document feeding unit 31 when it has already been disclosed being placed (or fixedly mounted, positioned, connected) on the document feeding unit. In interest of compact prosecution, further illustration of such claimed limitation over the secondary prior art (in addition to over Suzuki) is also provided, merely for purpose of advancing the prosecution, therefore additional discussions provided as below and supported by secondary prior art, Hara, should not be treated as any retraction of the grounds

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set forth in record previously supported by Suzuki, again merely further illustrations; also see the discussions over Hara below, also incorporated herein); and

a lower pane in the main body of the apparatus, wherein the lower pane has optical properties of transmissivity and refraction substantially equivalent to the pane in combination with the lower pane relative to the image receptor when the document handler is positioned against the main body of the apparatus.

Suzuki does not *explicitly* disclose in words that “*wherein the lower pane has optical properties of transmissivity and refraction substantially equivalent to the pane in combination with the lower pane relative to the image receptor when the document handler is positioned against the main body of the apparatus*”.

Examiner respectfully submits that in the fields of image scanning-related arts, it would be obvious for one of ordinary skill in the art, to have the panes (one attached to ADF, main pane on main body, and a lower pane) with substantially equivalent optical properties (such as in transmissivity, refraction and/or reflection), for purposes of *uniform* output results and further *prevents differences* in reading quality. However, in view of compact prosecution, further discussions over Hara are provided. Hara discloses an invention relates to an image reading apparatus such as scanner with selective reading function for facsimile, copier, has planar glass arranged along optical path such that reflected light from document surface forms image in the same position during reading of the set and conveyed document. More specifically, referring to Drawing 1 of Hara (emphasis added), discloses “a Contact Glass 19” (“main platen”), “ADF 11” with “a ADF Manuscript Glass 30” (“the pane” as claimed) attached (or mounted) on the ADF, and also in Paragraph [0019] of Hara (in reference to the Machine-Translation attached),

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discloses *"ADF manuscript glass 30 consists of a glass board with the same long and slender thickness as contact glass 19, and is arranged to it and parallel right above parallel planes glass 20"*; and *"a Parallel Planar Glass 20"* ("lower pane" as claimed), also see "Abstract", discloses *"a parallel planar glass (20) is arranged in the optical path during document transit operation such that the reflected light from the document surface (q) forms in the same position during set and conveyed document reading operation"*.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Suzuki to include the limitations discussed above taught by Hara. Also, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Suzuki by the teachings of Hara to incorporate the limitations discussed above taught by Hara, thereby *"prevents differences in reading quality"* (see *"Abstract"* of Hara).

With regard to claim 2, the claim is drawn to the apparatus of claim 1, further comprising a backing member within the document handler, adjacent the pane (see Suzuki, i.e. *Figure 1 – 37, "Conveying Roller"*).

With regard to claim 4, the claim is drawn to the apparatus of claim 2, wherein the backing member is a backing roll (see Suzuki, i.e. *Figure 1 – 37, "Conveying Roller"*).

With regard to claim 6, the claim is drawn to the apparatus of claim 1 further comprising means for covering the image receptor when the document handler is positioned away from the main body of the apparatus (see Suzuki, i.e. *Figure 1 – 13, "Reading Window"*; and in consideration of Paragraph [0014] in the specification of instant application; and/or the exterior casing represented by the *"rectangular box"*, labeled with *"11"* in *Figure 1*).

With regard to claim 7, the claim is drawn to the apparatus of claim 6, the covering means including means for moving the image receptor to an effectively covered position when the document handler is positioned away from the main body of the apparatus (*see Suzuki, i.e. Column 2, lines 60-63, "a drive pulley"*).

With regard to claim 8, the claim is drawn to the apparatus of claim 1, wherein the main body of the apparatus includes a main platen (*see Suzuki, i.e. Figure 1 – 12 "Document Glass"*), and further comprising means for moving the image receptor under the main platen in response to the document handler being positioned away from the main body of the apparatus (*see Suzuki, i.e. Column 2, lines 60-63, "a drive pulley", "first carriage 24", "second carriage 26"*).

With regard to claim 9, the claim is drawn to the apparatus of claim 1, further comprising a second pane operatively disposed in front of the image receptor, the lower pane being mounted within the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 "Document Glass"*).

With regard to claim 10, the claim is drawn to the apparatus of claim 9, wherein the second pane is disposed a predetermined distance from the pane when the document handler is positioned against the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 "Document Glass", the figure clearly illustrates "the second pane (or main platen)" (Figure 1 – 12) disposed at a predetermined distance from "the pane" (Figure 1 – 13)*).

With regard to claim 11, the claim is drawn to the apparatus of claim 9, wherein the second pane contacts the pane when the document handler is positioned against the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 & 13 "Document Glass" & "Reading Window"*).

With regard to claim 12, the claim is drawn to the apparatus of claim 1, the image receptor including a photosensitive chip (*see Suzuki, i.e. Figure 1 – 11, “CCD Sensor”*).

With regard to claim 13, the claim is drawn to the apparatus of claim 1, wherein the main body of the apparatus includes a main platen, and wherein the main platen is optically equivalent to the pane, relative to the image receptor when the document handler is positioned against the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 “Document Glass”*).

With regard to claim 14, the claim is drawn to the apparatus of claim 1, wherein the main body of the apparatus includes a main platen, and wherein the main platen and the pane are substantially co-planar when the document handler is positioned against the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 “Document Glass” and Figure 1 – 13, “Reading Window” are clearly illustrated to be “substantially co-planar”*).

With regard to claim 16, the claim is drawn to the apparatus of claim 1, further comprising a main platen in the main body of the apparatus, wherein the main platen and the pane in combination with the lower pane are substantially co-planar when the document handler is positioned against the main body of the apparatus (*see Suzuki, i.e. Figure 1 – 12 & 13 “Document Glass” & “Reading Windows”, disposed at “substantially coplanar” on the body*).

12. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Suzuki** and **Hara** as applied to claims discussed above, and further in view of **Nakano et al.** (U.S. Patent No. 6,874,778).

The disclosures of **Suzuki** and **Hara** do not *explicitly* disclose in specific words, the limitation of “means for urging the backing member against the pane” and “the backing member includes resilient properties”. Although such limitations are commonly known by one of

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ordinary skill in the art, for purposes of advancing the prosecution, illustrations and discussions of these limitations will also be discussed as following over the prior art, Nakano et al.

Nakano et al. discloses an invention relates to a sheet feeding apparatus, specially disclose “a sheet feeding roller” (see Nakano et al., i.e. Figure 1 – 2), further having “roller rubber” (see Nakano et al., i.e. Figure 1 – 2a), which has “the resilient property”; and also discloses “a press-contact spring” (see Nakano et al., i.e. Figure 1 – 4) as a mean for “urging” the roller to make contact with the sheets.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Suzuki and Hara to include the limitation of “means for urging the backing member against the pane” and “the backing member includes resilient properties” taught by Nakano et al. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Suzuki and Hara by the teachings of Nakano et al. to the limitation of “means for urging the backing member against the pane” and “the backing member includes resilient properties” taught by Nakano et al. to ensure better or proper transporting of the sheets assisted by the resilient property of the roller rubber.

Response to Arguments

13. Applicant's arguments with respect to claims 1-14 and 16 have been considered but are moot in view of the new ground(s) of rejection, and/or respectfully found to be not persuasive for at least the reasons set forth above in discussions relating to claim 1 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- A. Takida et al. (U.S. Patent No. 6,618,575) disclose an automatic document feeder with a conveying roller and an image reader.
- B. Mui et al. (U.S. Patent No. 7,251,063) disclose an automatic document feeder.
- C. Wenthe, Jr. et al. (U.S. Patent No. 5,488,464) disclose a constant velocity transport for electronic document imaging.
- D. Murakami (U.S. Patent No. 5,912,747) disclose a scanning device, which scan a document in a reverse moving action.
- E. de Koning et al. (U.S. Pub. No. 2002/0135120 A1) disclose a constant force sheet feeder.
- F. Mui et al. (U.S. Pub. No. 2002/0176122) disclose an apparatus and method for calibrating a scanner with a document feeder.
- G. Honbo et al. (U.S. Pub. No. 2002/0080429 A1) disclose an image reading apparatus and method of setting reading position.
- H. Chen (U.S. Pub. No. 2002/0033968 A1) discloses a duplex scanner capable of calibrating two-sided documents.
- I. Shishido (U.S. Pub. No. 2003/0081275 A1) discloses an image reading apparatus for reading a document image used in image scanner, copier or facsimile machine.
- J. Kinoshita (U.S. Pub. No. 2002/0164175 A1) discloses an image forming apparatus.
- K. Okada (U.S. Patent No. 5,953,574) discloses a sheet feeding apparatus and image forming apparatus.
- L. Tokunoh (U.S. Patent No. 5,515,153) discloses an image forming apparatus with an automatic document feeder having a document-transporting belt.
- M. Nagao et al. (U.S. Patent No. 5,338,018) disclose an automatic document feeder.

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- N. Itoh (U.S. Patent No. 5,734,483) discloses an image scanner having contact-type image sensor.
- O. Itoh (U.S. Patent No. 5,610,731) discloses an image scanner having contact-type image sensor movable under automatic document feeder.
- P. de Koning et al. (U.S. Patent No. 6,595,512) disclose a constant force sheet feeder.
- Q. Nakano et al. (U.S. Patent No. 6,874,778) disclose a sheet feeding apparatus and image forming apparatus provided with same.
- R. Anzai (U.S. Pub. No. 2002/0057465 A1) discloses an image input apparatus.
- S. Sekine (U.S. Pub. No. 2002/0135821 A1) discloses an automatic document feeder and image forming apparatus.
- T. Watanabe et al. (U.S. Pub. No. 2004/0004320 A1) disclose an automatic document feeding apparatus and document reading apparatus.
- U. Hattori et al. (U.S. Pub. No. 2004/0004319 A1) disclose an automatic document feeder and image processing apparatus.
- V. Kobayashi et al. (U.S. Pub. No. 2003/0011121 A1) disclose a document feeding apparatus and document reading apparatus.
- W. Watanabe et al. (U.S. Pub. No. 2004/0065991 A1) disclose an automatic document feeding apparatus.
- X. Hsiao et al. (U.S. Patent No. 2003/0090052) disclose a document feeding apparatus.
- Y. Iwago et al. (U.S. Pub. No. 2004/0062579) disclose a paper discharge tray.
- Z. Nakagawa et al. (U.S. Pub. No. 2003/0026633 A1) disclose a sheet feeding apparatus, image scanning apparatus and image forming apparatus.

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AA. Nakagawa et al. (U.S. Pub. No. 2003/0026633 A1) disclose an image feeding apparatus.

BB. Sugeta et al. (U.S. Pub. No. 2004/0125412) disclose an image reading apparatus.

CC. Kanno (U.S. Pub. No. 2004/0047007 A1) discloses a document reading apparatus.

DD. Kobayashi et al. (U.S. Patent No. 6,837,488) disclose a document feeding apparatus and document reading apparatus.

EE. Prebola et al. (U.S. Patent No. 4,849,788) disclose an automatic dual mode document registration and edge guide.

FF. Watanabe et al. (U.S. Patent No. 7,021,618) disclose an ADF.

GG. Yamada (U.S. Patent No. 5,328,163) discloses a recording sheet feeding device.

HH. Wada et al. (U.S. Patent No. 6,027,109) disclose a document feeder.

II. Mui et al. (U.S. Patent No. 6,947,187) disclose an apparatus and method for calibrating a scanner with a document feeder.

JJ. Sheng et al. (U.S. Patent No. 6,512,602) disclose a guide for paper feeder.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 7:30 a.m.-5p.m., Alt. Friday Off.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacky X. Zheng/

Examiner, Art Unit: 2625

December 9, 2008

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625